REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

By the foregoing amendment, claims 1, 6, 7, 8 and 9 have been amended, claims 2-5 have been previously canceled without prejudice or disclaimer for filing in a continuation application. Thus, claims 1 and 6-9 are currently pending in the application and subject to examination.

In the outstanding Office Action, claims 1 and 6-9 under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 5,741,182 to Lipps et al. ("Lipps") in view of U.S. Patent No. 6,929,543 to Ueshima et al. ("Ueshima"), U.S. Patent No. 5,269,519 to Malone, and U.S. Patent No. 6,394,897 to Togami. It is noted that claims 2-5 have been previously canceled, and claims 1, 6-9 have been amended. To the extent that the rejections remain applicable to the claims currently pending, the Applicant hereby traverses the rejections, as follows.

In making the rejections, the Office Action asserts that the combination of Lipps, Ueshima and Malone also lacks the judgment of current position of the player to be in strikable rage and a ball striking position movement means for moving a ball striking position of said player. Togami is cited as allegedly curing the deficiencies of the above combination.

As disclosed in Togami, a first cursor is displayed at the ball landing position as decided in step (S105), the player character who is nearest to the first cursor (the ball landing position) is selected in step (S106), a second cursor is displayed on the selected player character in step (S107), and the first lever (of the controller) is

assigned to the selected player character and the position of the second cursor is detected in step (S108). Then, it is determined whether or not the distance between the first cursor (the ball landing position) and the second cursor (the selected player character) is shorter than the successful receiving distance (S109). If and when the distance between the first cursor (the ball landing position) and the second cursor (the selected player character) is shorter than the successful receiving distance, the position of the selected player character (marked with the second cursor) is corrected to the first cursor (the ball landing position) in step (S110) so that the selected player can receive the ball (S111). In a case in which the distance between the first cursor (the ball landing position) and the second cursor (the selected player character) is larger than the successful receiving distance, it is determined whether or not the ball has reached the ball landing position in step (S112), and if so, a receiving error is displayed in step In step (S108) of Togami, the first lever of the controller is assigned to the player character nearest the ball landing position, so that the game player is provided the opportunity to move the player character by operating the first lever to a position within the successful receiving distance of the ball landing position. Then, only the case that the game player could move the position of the player character to within the successful receiving distance, is the player character automatically moved to the first cursor position (the ball landing position) (S109 and S110).

In making the rejection, the Office Action cited claim 5 of Togami, which depends from claim 4 thereof. In claim 4 of Togami, the control disabling means disables a game player's control of a player character (places the player character in a non-active state) when the distance between the player character and the indicia becomes the

predetermined distance, so that the game player can no longer move the player character with the "control means operable by the game player for controlling the player character" recited in claim 1 of Togami. As described above, when the distance between the player character and the indicia becomes the predetermined distance, the control to the player character by the game player is disabled, and thereafter, the player character is automatically moved to the ball landing position by the game computer.

Therefore, when taken in conjunction with the teachings of Togami as a whole, the term "control" of "when said control disabling means disables control" as recited in claim 5 of Togami means "control" of the player character by the game player. Togami disables control of the game player over the player character so that the automatic player character movement means can automatically move the player character to the ball landing position.

In Togami, success or failure of the receiving operation by the game player is determined based on whether or not the distance between the player character (the second cursor) and the ball landing position (the first cursor) is within the successful receiving distance. Therefore, it is necessary for the game player to move the player character by operating the first lever to make the distance between the player character (the second cursor) and the ball landing position (the first cursor) shorter than the successful receiving distance. After such operation is complete, the player character is moved automatically by the game computer. If such operation is not completed before the ball reaches the ball landing position, the player character is not

automatically moved and an error is generated. That is, in Togami, the game player must control the position of the player character by the first lever.

If it were true in Togami that when the player character is out of the successful receiving distance, the player character being nearest to the ball landing position is automatically moved to the ball landing position without any input from the game player, then the ball would always be successfully received by the player character, and there would be no actual game play by the game players. Taking Togami as a whole clearly illustrates this point. The purpose of Togami is to implement a volleyball game that is slightly easier than a conventional video volleyball game, so that an inexperienced game player can successfully receive the ball provided the game player moves the player character to within a successful receiving distance of the ball landing position. The game player is not required to move precisely to the ball landing position to receive the ball, the game player must only move to within a successful receiving distance of the ball landing position, then the game takes over control of the player character, moving the player character to the ball landing position.

Thus, in Togami, game play still occurs in that the player character closest to the ball landing position must still be moved by the game payer to within the successful receiving range of the ball. If the nearest player character to the ball landing position was always moved to receive the ball, there would be no actual game play in which to engage, as the nearest player would always be moved to the ball landing position, no matter what.

In contrast, in the present invention, the player does not control the ball striking position. As such, the claimed invention is largely different from Togami in which the

game player enjoys the game by controlling the position of the player character. In addition, by the present invention as claimed, if the swing of the input device is detected within a receivable range, an initial speed vector is calculated. In other words, in the present invention as claimed in independent claims 1 and 6, the game player controls the timing of the swing of the input device rather than the ball striking position because the ball striking position can be automatically moved in the present invention.

Moreover, in the game according to the claimed invention, the ball is returned by the swing of the input device. Thus, in the claimed invention, there are two parameters to be input by the game player: 1) the timing of the swing of the input device, and 2) the position movement of the player character. Therefore, in the present invention, by automating the positioning of the player character in returning the ball, the burden to the game player to move the player character toward the ball striking position is completely omitted, and thus, the game player may concentrate his/her attention on the swing of the input device only. However, the swing of the input device in such a case can determine whether or not the player character (controlled by the game player) is successful. Thus, in the present invention, by automating one of the two parameters with which the game player is concerned, it is possible to reduce the burden to the game player. Moreover, by automating one of the two parameters in the claimed invention with which the game player is concerned, actual game play remains possible, as some action from the game player is necessary in order to swing the bat.

In addition, as explained above, Togami is played by operating a controller lever, whereas the claimed invention is played by swinging the input device. Togami fails to teach or suggest such an input device.

In making the rejections, the outstanding Office Action asserted that the claimed receivable range "means within arm's length as there is no movement of the player character in Figs. 17 and 18 of the Applicant's drawings." Office Action, p. 10.

However, as disclosed in the specification with respect to Fig. 17, attached for your convenience as attachment A, the right-left direction is the X axis, the upper-lower direction is the Y axis, and the direction perpendicular to the paper is the Z axis.

In a case in which the predicted return position is out of the player's strikable range in the Z axis direction, the striking position is moved to the predicted return position. This movement is a movement to within the strikable range. Thus, the strikable range is the X axis direction.

Since the ball striking position out of the strikable range is moved to the predicted return position in the X axis direction, that is, it is controlled that the striking position always becomes within the strikable range, it is clear that the receivable range in step S102 of Figure 17 and in the subject application is not "arm's length" as suggested by the outstanding Office Action.

This receivable range is determined by the X, Y and Z axes, but as described above, the striking position is always brought to the predicted return position in the X axis direction. Therefore, in step S102 of Figure 17, the X coordinates are within the receivable range. Thus, the problem is to determine whether the remaining Y and Z coordinates are respectively within the receivable range. Therefore, when the Y coordinates and the Z coordinates of the ball are respectively within the receivable range and the swing of the input device is detected at that time, as the

ball receiving is successful, the initial speed of the ball after ball receipt is determined in the step S105.

The Applicant respectfully submits that Togami, with out without the teachings of Lipps, Ueshima and Malone, neither discloses nor suggests all of the features recited in claims 1 and 6, as amended.

To establish *prima facie* obviousness of a rejected claim, the applied art of record must teach or suggest each feature of a rejected claim. *See M.P.E.P. §2143.03.* As explained above, none of the applied art of record nor any combination thereof discloses or suggests each and every feature recited in independent claims 1 and 6, as amended. Accordingly, the Applicant respectfully submits that independent claims 1 and 6 are neither anticipated nor rendered obvious by the applied art of record.

For at least these reasons, the Applicant submits that independent claims 1 and 6 are allowable over the applied art of record. As claims 1 and 6 are allowable, the Applicant submits that claims 7-9, which depend from claims 1 and 6, are likewise allowable for at least the reasons set forth above with respect to claims 1 and 6.

Conclusion

For all of the above reasons, it is respectfully submitted that claims 1 and 6-9 are in condition for allowance and a Notice of Allowability is earnestly solicited.

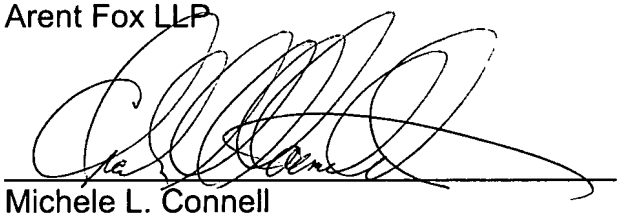
Should the Examiner determine that any further action is necessary to place this application into better form the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to

charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing client matter number 100341-00054.

Respectfully submitted,

Arent Fox LLP



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Enclosures: Petition for Extension of Time
Attachment A